

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANDON MCGUIRE,

Plaintiff,

v.

DIRECTOR OF NURSING HDSP, et al.,

Defendants.

Case No.: 2:23-cv-02070-RFB-MDC

ORDER

(ECF No. 1)

On December 15, 2023, pro se plaintiff Brandon McGuire, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to proceed *in forma pauperis* is incomplete because **Plaintiff did not sign the bottom of the application attesting that it was signed under penalty of perjury, and he did not include a financial certificate or an inmate trust fund account statement for the previous six-month**. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by March 11, 2024**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous six-month
 2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
 3 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
 4 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 As explained above, Plaintiff's application to proceed *in forma pauperis* is
 6 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
 7 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
 8 fee or file a new fully complete application to proceed *in forma pauperis* with all three
 9 required documents.

10 II. CONCLUSION

11 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
 12 is denied without prejudice.

13 It is further ordered that Plaintiff has **until March 11, 2024**, to either pay the full
 14 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with
 15 all three required documents: (1) a completed application with the inmate's two signatures
 16 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
 17 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
 18 previous six-month period.

19 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
 20 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
 21 to refile the case with the Court, under a new case number, when Plaintiff can file a
 22 complete application to proceed *in forma pauperis* or pay the required filing fee.

23 The Clerk of the Court is directed to send Plaintiff Brandon McGuire the approved
 24 form application to proceed *in forma pauperis* for an inmate and instructions for the same
 25 and retain the complaint (ECF No. 1) but not file it at this time.

26 DATED THIS 19th day of January 2024.

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 Maximiliano D. Couvillier III
 UNITED STATES MAGISTRATE JUDGE